

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CARE INVESTMENT TRUST, INC.,

Plaintiff,

-v.-

No. 3:09-cv-02256-K

JEAN-CLAUDE SAADA, *et al.*,

Defendants.

JEAN-CLAUDE SAADA, *et al.*,

Counterclaim Plaintiffs,

-v.-

CARE INVESTMENT TRUST, INC., *et al.*,

**Counterclaim and Third-Party
Defendants.**

**COUNTERCLAIM AND THIRD-PARTY DEFENDANTS' MOTION FOR
LEAVE TO FILE AN AMENDED ANSWER AND COUNTERCLAIM**

Pursuant to Federal Rule of Civil Procedure 13(e), Counterclaim Defendant Care Investment Trust, Inc. ("Care") and Third-Party Defendants ERC Sub, L.P., ERC Sub, LLC, CIT Healthcare LLC, and Mr. Flint D. Besecker (collectively, the "Care Parties") hereby request leave to amend their Answer to add a new Counterclaim by ERC Sub, L.P. that matured only *after* the Care Parties filed their initial Answer. The proposed Amended Answer and Counterclaim are submitted herewith (as Ex. A hereto). As explained in greater detail in the accompanying Memorandum of Law, ERC Sub, L.P. seeks to assert a new Counterclaim arising out of a breach of contract by four of the Defendants that ripened on June 18, 2010, just three days ago. This Motion for Leave to Amend is within this Court's deadline of June 21, 2010—today—for adding new claims.

As explained in greater detail in the accompanying Memorandum of Law, the Care Parties request that the Court grant this Motion for Leave to File an Amended Answer and Counterclaim.

Respectfully submitted,

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Dated: June 21, 2010

*Attorneys for Plaintiff and Counterclaim Defendant
Care Investment Trust, Inc.; and for Third-Party
Defendants CIT Healthcare, LLC; Flint D.
Besecker; ERC Sub, LP; and ERC Sub LLC*

CERTIFICATE OF SERVICE

I, John H. Walker, hereby certify that on this day I caused a true and correct copy of the foregoing Counterclaim and Third-Party Defendants' Motion for Leave to File an Amended Answer and Counterclaim and attachments thereto to be served upon all counsel named below by electronic case filing using the CM/ECF system, which will send automatic notification of the filing to the following:

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Dated: June 21, 2010

/s/ John H. Walker

John H. Walker